

REMARKS

Remarks

The subject application has been carefully considered in view of the Office Action of March 14,2003.

Non elected claims 10-14 have been canceled. Otherwise, the claims are being resubmitted unamended for the Examiner's further consideration as Applicant considers that the claims patentably distinguish from the cited and applied reference. The specification has been amended to correct various oversights as set out hereinbelow.

The amendment to page 4 adds the reference numeral "26" that identifies the easel forming cuts shown in the figures. The amendment to the paragraph bridging pages 4 and 5 deletes the reference numeral "21" which does not appear in the drawings and instead describes the opening as being "opposite the fold line 12". The amendment at page 8 adds reference to the easel forming cuts 26 shown in the drawings.

The invention addresses the problem in many photograph framing and mailing devices of an exposed easel cut-out on an exposed rear face of the device. This may catch on some other item in the mail and rip or tear away. To resolve the issue, the present invention provides panels that completely enclose or cover both the face and the rear of the frame including covering the easel forming cutouts.

Rejection and Arguments

Claims 1-3 and 5-9 stand rejected under 35 U.S.C. 102(b) as being anticipated by Wenkman (US 5,740, 957). For a rejection under 35 U.S.C. 102(b) each and every element of each rejected claim must be found in a single reference. This is not so in the preset case.

Wenkman as discussed at page 1 of the specification discloses a special envelope for mailing pictures that has easel-forming portions that are exposed during mailing. In this respect there is no panel covering the easel forming portions 39, 40 of the reference.

Wenkman discloses a device having three panels 6, 7, and 8, and a closure flap 9. Panel 6 represents the front of the picture frame, panel 7 represents the rear of the picture frame including the easel forming portions 38, 40, and panel 8 is a mailer panel that folds over the front panel 6.

In contrast, the present invention, as set out in Claim 1, is formed by a frame front panel 20, a frame rear panel 24 (including easel-forming portions 26), two mailer panels 28 and 32, and a closure flap. Thus, the present invention claims a structure that has four panels and a closure panel whereas the reference discloses a structure having only three panels and a closure flap. As all elements of Claim 1 (and dependent claims 2-6) are not found in the single reference, the rejection of Claims 1-7 as being anticipated by Wenkman can not stand.

Likewise, the structure as set out in Claim 7 (and dependent claims 8 and 9) calls for a four-panel structure, wherein the third and fourth panels are symmetrical about a fold line. Wenkman discloses neither a fourth panel nor the symmetry as set out in Claim 7. Accordingly, the rejection of Claims 7-9 as being anticipated by Wenkman is traversed.

It also should be noted that Wenkman does not render Claims 1-3 and 5-9 obvious. In this respect a fourth panel is not suggested and it is not apparent from the reference alone how to add a fourth panel to provide protection for the easel cutouts as set out in Applicant's Claims.

Claim 4 is rejected under 35 U.S.C. 103(b) as being unpatentable over Wenkman. The Examiner says that while Wenkman does not show an adhesive area on the closure flap, providing such an adhesive is an obvious expedient. However, even if such is the

case, the reference still lacks the fourth panel that is implicitly part of the claim and thus would not obviate the claimed invention.

Accordingly, in view of the comments as set out above, Applicant considers the claims to be in condition for allowance, which action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Roger Aceto", written over a horizontal line.

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